KEYNOTE ADDRESS

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Indian Water Rights Settlement Conference

St. George, Utah

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Welcome colleagues and friends to the Seventh Native American Rights Fund/Western States Water Council Indian Water Rights Settlement Conference. I want to thank Craig and John, and their staff for their hard work and continued willingness to put these conferences on. Bringing together those of us who have been working on settlements for one year or twenty has been invaluable and we are grateful for their efforts.

When I was asked to do some opening remarks for the conference a couple of months ago, it seemed a straightforward task: I hoped to review with you what we have been doing collectively and offer some thoughts about where the settlement process stands and where it might be going….

Then the horrific events of September 11th unfolded and our world was transformed. Like many of you my initial shock and disbelief turned to grief and a struggle to try to comprehend the tragedy. Like you, I turned to family and friends, to colleagues, to the written and spoken media to attempt to put it in both a personal and professional context. Given the magnitude of what has occurred, how do we go on with our daily lives, our work?

The natural temptation is to believe that our daily lives and work aren't as meaningful in the larger context and should somehow be put on hold while the nation struggles with new realities, new priorities. To the contrary, what I propose to you today is that this is the most meaningful

and important time to rededicate ourselves to our important work: how we can share our most precious natural resource—water.

Recently, I read a short but thoughtful piece by Richard Harwood for MSNBC entitled "Four Things Citizens Can Do." One of the steps he suggested was to "Move from comfort talk to public talk:" he says: "No doubt, we need to continue to comfort each other and somehow find a sense of inner peace amid the uncertainty around us. But we must also move from talk that gives us comfort—which is personal and therapeutic—to public talk, which is about what we collectively make of recent events, what we think should happen and why."

What better opportunity, then, for those of us who have come together these three days in St. George to have some "public talk." And to take that "public talk" back to our communities and watersheds as we re-dedicate ourselves to the task ahead.

So…. Where <u>do</u> we find ourselves? Realistically, I think none of us are so naïve to think that Indian water rights settlements—and the vital funding that is needed to implement them—will be high on the list of priorities for Congress and the Nation in the short term. Hopefully, in the next few days, our colleagues from Washington, D.C. will help us analyze this rapidly changing political terrain. I sincerely hope that the representatives from the Department of Interior and Congress will tell us that the work and commitment continues. But, honestly, and as hard as it is for me to admit, having spent years on this, I think we all accept that making the case for these settlements in the short term will be difficult.

But, keep in mind this quote from Dag Hammarskjold, former Secretary General of the United Nations who died in a plane crash in 1961 on a peace mission to the Congo: "Never look down to test the ground before taking your next step; only he who keeps his eye fixed on the far horizon will find his right road."

Time now, I think, to keep our eyes fixed on the “far horizon” at the same time rethinking what it is we can do now to keep us on that “right road.”

The opportunity to me is unmistakably clear: now, while Americans are coming together with common purpose, while the “public talk” is of diversity and tolerance…now is the time for us to promote Reconciliation: we must redouble our efforts to eradicate racism, to mend fences between neighbors, to stop threats against federal employees who have to close a headgate or a road, to tone down the rhetoric about “water wars.”

Those of us in the West who work on these issues were dismayed at the events of last summer in the Klamath Basin. I realize that from afar we probably only get an over- simplified and overly dramatic perspective but the clarity of the conflict there among communities, species, resources and cultures cannot be understated.

Last year, I met a number of the folks in that basin at a negotiation workshop I attended: tribal leaders advocating what they think best for their members, farmers concerned about the economic future of their families, environmentalists wanting to preserve the rich wildlife habitat, all good people. Their dilemma might be more acute than in other parts of the West but similar conflicts are played out in varying degrees in each of our States. A peaceful outcome to the Klamath Basin’s water situation is almost as important to the rest of us as it is to them because it will show all of us that it can be done. I was heartened to see recently that Senators were putting together a comprehensive package of solutions and assistance but unfortunately they join all of us in seeking large sums of money that might not be available.

I use the Klamath as a vivid example because I believe we are at a crossroads in our efforts to manage water in the West. It is only logical that some of the most intractable disputes

continue, that some of our most challenging negotiations remain. When I read about what is going on all over the West, knowing how much has been accomplished, I still see a huge task ahead. Now familiar names: Gila River, Walker River, Little Colorado, Aamodt in New Mexico…. The salmon issues in the Colombia, administrative issues in Wind River or on the Flathead Reservation in Montana. The relationships between allottees and tribes, the role of the Bureau of Reclamation which delivers water to over 31 million people. The immensely difficult conflicts between endangered species, the traditional uses of water and the often as yet to be quantified water needs of the Tribes. And of course, the continued dynamic between the need for new and innovative ways of managing water for a burgeoning population and decades of established water law and practice.

All the more reason, then, to use this extraordinary time to push for more civil discourse on these contentious natural resource issues, to advocate reconciliation with our native American neighbors, to do another one of the four things that Richard Harwood suggested citizens can do: "Search out differing opinions" "When under stress, we often seek solace from those who affirm our existing views. But now we must have the courage to actively seek out views that differ from our own. For it is only when we engage with different view points that we are forced to articulate our own views, examine deeply what we believe and reach a fuller understanding of what we value."

In the next few days, thanks to the hard work of NARF and WSWC, you will get to hear a number of differing viewpoints from tribal, state, federal and other speakers. We are pleased that we will be hearing from the new solicitor of the Department of the Interior. We are anxious to hear a re-commitment from the Administration to the settlement process. We are also pleased that once again we will be able to visit a nearby Reservation to learn more about tribal concerns and we appreciate the hospitality of the Shivwits Band of Paiute. This has always been an interesting and important aspect of each conference.

Several weekends ago I had the opportunity to travel with another commission staff member by train to the Turtle Mountain Reservation in North Dakota for some discussions about how we might resolve water issues involving allotments held by tribal members in Montana. We were really taken by the beauty of the Reservation. Nearly to the Canadian border, the Turtle Mountains were covered with hardwood forests in early autumn colors and an impressive amount of water—lakes and bogs and wetlands everywhere—due partly to a series of wet years (now we know where all the water went that Montana didn't get!) We also met some really good folks anxious to begin the dialogue.

On Sunday, after our meetings were done, we visited the International Peace Garden. It is a stately series of gardens established 70 years ago that straddle the border between North Dakota and Manitoba. Only 10 days after the bombings at the World Trade Center and Pentagon it seemed like a very appropriate place to be. It was a quiet day with a chill in the air, few people were there. Fittingly, the designers chose to build a watercourse to delineate the border between the two countries. A small stream with a series of drops and ponds runs the length of the formal gardens, culminating in a series of fountains flanked by the Canadian and American flags that on that day were at half-mast. At the other end of the watercourse stands a little peace chapel. The brochure says: "The main feature of the chapel is the three encircling walls of flat hewn limestone into which has been engraved quotations spoken or written by "people of peace" throughout history. The lettering receives a continuous wash of daylight from the skylights around the perimeter of the chapel." There are engraved quotes from Gandhi to Plutarch, from Churchill to Camus, from Buddha, Vatican II, the Sanskrit. I came away with a few of them I thought particularly relevant to our work and the challenges we face and I leave you with them today.

"Peace can only be won by the quality of infinite patience."

Governor General of Canada to US Congress, 1965

"The only hope of preserving what is best lies in the practice of an immense charity, a wide tolerance, a sincere respect for opinions that are not ours"

P.G. Hamerton

And finally:

"Live neither in the past nor in the future, but let each day's work absorb all your interest, energy and enthusiasm. The best preparation for tomorrow is to do today's work superbly well."

Sir William Osler